

**DISTRICT COURT of the united STATES
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**Kenneth A. Thompson, Darlene
Dowling Thompson, Mark L De Young,
Fredrick D. Gulick, Sr., Ann E. Gulick
Robert L. Jeffords, Kenneth R. Spiegel,
Shawn M. Jackson, David Isaac,
Julie Isaac, Jeffrey S. Pritchard, Happy
Lawn, DBA, Linda F. Jackson,
Melvin L. Johns, Thomas Earl Dunn,
Linda L. Dunn, Krystyna Johns,
Charise Spink, DBA His and Her Storage,
Roger E. Raycraft Jr., Elizabeth L. Raycraft,
Gayle L. Gutchak, Rory C. Gutchak
William E. Norris, Ivan Morse,
Pastor Paul C. Leslie, Deanna K. Leslie,
Dr. Linda Lee Tarver, Tarver Consulting,
Tracy Bolle, The Evening Post, LLC
HAPPY LAW, Jeffrey S. Pritchard,
Steve A. McIntosh, Eloise A. McIntosh
Rodney D. Fater, Vicky L. Fater,
Rex S. Cooper, Vickie L. Cooper,
David A. Arndt, Doris S. Arndt,
Jack L. Elliott, Timothy R. Walters,
Colton R. Walters, William Scott,
Debora Scott**

Plaintiffs,

Case No. 1:20 – cv - _____

Honorable Paul J. Maloney

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**Title 28 USCA § 2201, 42 U.S.C §1981,
§1982, §1983, §1985, 42 U.S.C. §1986,
§1988**

vs.

**A trial by jury is Demanded according to
the courts of common law on all counts.**

**Gretchen Whitmer, in her official capacity
as Governor for the State of Michigan,
Garlin Gilchrist II, Lt. Governor, in his official
Capacity as Lt. Governor of the State of Michigan**

and as President of the Senate,
Robert Gordon in his official capacity as Director
Michigan Department of Health and Human Services
(MDHHS), **Dana Nessel**, in her official capacity
as Michigan Attorney General, **Joseph Gasper**,
in his official capacity as Director of the Michigan
State Police (MSP), **Dr. Joneigh S. Khaldun**, in her
official capacity as Chief Medical Executive and Chief
Deputy Director for Health.

RESPONDENTS / DEFENDANTS,

There is no other claim or case pending or prior claim before this honorable court.

Now Come PLAINTIFFS by undersigned counsel Attorney **David J. Gilbert**, and
brings this Complaint against the above named **DEFENDANTS**, their employees, agents, and
successors in office, and in support thereof allege the following upon information and belief:

INTRODUCTION

1. On March 10, 2020, Governor Whitmer issued Executive Order 2020-04, which declared “A state of emergency¹ across the State of Michigan”² based upon two presumptive diagnoses of coronavirus disease (“**COVID-19**”). Shortly thereafter, the Governor began issuing Executive Orders [EO’s] orders that infringe upon several US Constitutional rights conferred upon Michiganders including but not limited to: house arrest, denial use of private property, free association, practice ones religion etc. All under pain of criminal penalties.
2. Paragraph 2 of EO 2020-70 specifically states, “all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence”. “all public and

1. *The dictionary defines emergency as* an unforeseen combination of circumstances or the resulting state that calls for immediate action. 2: an urgent need for assistance or relief a state of **emergency**.

2. Governor Gretchen Whitmer’s Executive Order 2020-4

private gatherings of any number of people occurring among persons not part of a single household are prohibited.”

3. The Governor’s orders lack objective criteria by which to measure when a state of “emergency” exists or when it is over. In this regard, the Governor has stated that she alone defines all aspects of and emergency or emergency situation.
4. The Governor has failed to state with specificity what criteria was used to declare a state of emergency, what specific thresholds were created to trigger or terminate said emergency.
5. The Governor has failed to state with specificity what credible data was used to declare a state of emergency, what specific thresholds were created to trigger or terminate said emergency.
6. A search of the US Constitution reveals there are no exceptions as to when or if the Governor of any State may suspend any or all Constitutional Rights without due process.
7. The executive orders—and all other orders, rules, and enforcement activity related to them—are unconstitutional under the Guarantee Clause, the Privileges or Immunities Clause, the Due Process Clause, the Equal Protection Clause, and State law.
8. The 9th Amendment protects the Plaintiffs’ Fundamental Rights, which are not expressly enumerated within the first Eight Amendments.
9. The Plaintiffs’ Fundamental Rights shall not be infringed by the Chief Executive Officer of Michigan State’s Public Trust moving under the color of legislative fiat or by Executive Means. (U.S. Constitution Amendment 9)
10. The 5th and 14th Amendments protect certain Fundamental personal liberties from abridgment by Officers of Michigan Public Trust, who serve in the Federal and or State Public Offices as elected, and or are appointed Public Officers. (U.S. Constitution Amendments 5, and 14)

11. The 4th Amendment guarantees that all shall be secure in their homes against unreasonable seizures. (U.S. Constitution 4th Amendment)
12. Article IV § 4 guarantees Michiganders a Republican Form of Government. (U.S. Constitution Article IV § 4)
13. Article III § 2 of the Michigan State Constitution of 1963 established that the powers of State Government are divided into three branches: legislative, executive and judicial.
14. The 63rd Michigan Legislature enacted Public Act 302 of 1945, The Emergency Powers Governor Act which delegated the Office of the Governor apparent authority to issue Orders, Rules and Regulations as written legislative law.
15. The 78th Michigan State Legislature enacted Public Act 390 of 1976, The Emergency Management Act which delegated the Office of the Governor authority to issue executive orders, proclamations, and directives having the force and effect of legislatively written law.
16. Public Act 302 of 1945, The Emergency Powers of the Governor Act and Public Act 390 of 1976, the Emergency Powers Act, sits in **Pari Materia** wherein said acts as written sit under the Police powers of the gubernatorial office as clearly expressed within the four corners of said Public Acts.
17. The Court stated clearly in Marbury v. Madison, 5 US 137, 180 (1803) “ that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.”
18. Neither the 63rd Legislature, nor the 78th Legislature had U. S. Constitutional standing to delegate plenary legislative authority to the Executive Branch by Public Act(s), such that all executively issued Orders so defined and thereby issued by the Chief Executive Officer of the States of Michigan would be VOID in law.

19. As the Chief Executive Officer Governor Gretchen Whitmer Declared “A state of emergency is declared across the State of Michigan” on March 10, 2020, , therein proclaiming Gubernatorial authority standing under Public Act 390 of 1976 in necessary conjunction with Public Act 302 of 1945 which relies as so declared in said order within the executive powers of the Michigan State Constitution of 1963.
20. That Governor Gretchen Whitmer’s Declaration of a State of Emergency issued on March 10, 2020 was followed by the Gubernatorial office issuing at least an additional 74 Executive Orders having the force and effect of written law as colorfully authorized by Public Act 390 of 1976 §3(2) and Public Act 302 of 1945 §1(2).
21. That Governor Gretchen Whitmer’s Declaration of a State Emergency Across Michigan was immediately followed by subjugating the Plaintiffs alongside all Michiganders to Unwarranted House Arrest under pain of Administrative Seizure by Arrest if any Claimant was deemed to be outside their front door without “Executive Permission”.
22. This unconscionable Executive action stands as a Breach of the **Public Trust** which breached the Peace of Michigan and the Substantive Rights of Michigan State Citizens who are the Plaintiffs so listed herein, who were confronted with Constitutional usurpation of the State’s Tricameral Republican Form of Government.
23. This action was knowingly moved by the Chief Executive Officer of the States of Michigan by executive decree on March 10, 2020.
24. This case seeks to protect and vindicate statutory and Fundamental Constitutional Rights.
25. The Plaintiffs bring this civil rights action under the First and Fourteenth Amendments to the United States Constitution and Title 42 U.S.C.A. § 1983, and for other statutory and Constitutional violations, challenging Respondent’s Executive Orders, acts, policies, and

regulations which deprived Plaintiffs of their Substantive Rights to Life, Liberty and Property.

26. As set forth in this Complaint, Respondent's executive orders, acts, policies, and regulations moved there under are the cause of, and the moving force behind, the statutory and constitutional violations in this case.

27. Plaintiffs seek an award of reasonable attorneys' fees and costs of litigation pursuant to Title 42 U.S.C.A. § 1988, and other appropriate relief.

GENERAL ALLEGATIONS

28. The Plaintiffs Liberties are not conferred or granted by Government nor may the Public Actors of OUR State Government rescind the Plaintiffs' Substantive Rights by an arbitrary and capricious issuance of Executive Decrees by the Chief Executive Officer of OUR State.

29. The elected and appointed Public Actors sitting in OUR Public Trust have taken an Oath of Office to uphold the Rule of Law, wherein this instance, a combination of Michigan Public Actors in the Executive Offices along with others within the Principle Departments of State Government have plotted to overthrow Michigan's Republican Form³ of Government by Executive Decree.

30. Michigan State Governor Gretchen Whitmer has no constitutional authority to write laws, nor does the State Legislature by Public Act have standing to delegate its legislative authority to grant plenary powers for writing law into the hands of the Chief Executive Officer of the State.

3. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence. United States Constitution for the United States of America Article IV § 4

31. The Michigan State Attorney General Dana Nessel has stood in direct support of the Arbitrary and Capricious acts of the Governor Gretchen Whitmer gubernatorial rule by executive decrees that were commenced, on or about and ongoing since March 10, 2020.
32. The 2nd Executive Department, the Department of the Attorney General has made no effort to protect the Substantive Rights of the Plaintiffs, or other Michigan State Citizens during the pendency of the Chief Executive Officer of Michigan's unconscionable unconstitutional rule by Executive Decree.
33. The Principle Department of State Government, the Michigan Department of Health and Human Services Director Robert Gordon is writing legislative law to authorize the issuance of misdemeanor citations to Michigan State Citizens for allegedly violating one of the 74 Executive Orders issued by Governor Gretchen Whitmer since March 10, 2020.
34. The Principle Department of State Police Director Colonel Joseph Gasper has directed the public actors answerable to his command to issue citation thereto, and or detain any and all Michiganders who are subsequently alleged to be moving in violation to one, or more of the 74 Executive Decrees issued by the Hand of Governor Gretchen Whitmer since March 10, 2020.
35. The Legislative Branch has the exclusive constitutional prerogative to write law as clearly stated in the Michigan State of 1963 Article IV § 1: " Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives."
36. The Plaintiffs God-Given Liberties are possessed by the people who incorporated the State Constitution to guarantee that Public Actors serving in the Public Trust SHALL not abrogate their Substantive Rights.

37. To assure that Michigan State Citizens Liberties shall not be suborned under the Arbitrary and Capricious acts of the Executive Branch, the People of the State Michigan incorporated the Michigan Constitution relying on the United States to guarantee that their God Given Liberties would not be trespassed, nor disparaged under the Color of Law by State public Actors.
38. The public actions moved by the Governor Gretchen Whitmer, Robert Gordon as Director Michigan Department of Health and Human Services (MDHHS), Colonel Joseph Gasper Director of the Department of State Police and Attorney General Dana Nessel, the elected Director of the Department of Attorney Generally have singularly and collectively violated their Constitutional Oaths of Office.
39. The Complainants seek a Judicial Declaration, that the enactment and enforcement of the challenged measures ordered by the Respondent Governor Gretchen Whitmer since the Declaration of the State Emergency across Michigan on March 10, 2020 as set forth in this Complaint violates our Fundamental Liberties inclusive thereof OUR Rights to Life, Liberty and Property secured by the Constitution for the United States for the United States of America, and the Michigan Constitutions of 1963, and an Order enjoining the same.
40. Plaintiffs also seek an award of Attorneys' Fees and Costs pursuant to Title 42 U.S.C.A. § 1988, and other applicable laws.
41. Respondent, Governor Gretchen Whitmer began issuing orders as is said gubernatorial decrees were written legislative laws, that required Michiganders to remain at home under House Arrest and closed most businesses with limited exceptions, under pain of Criminal Penalties.

JURISDICTION AND VENUE

42. This action arises under the Constitution and laws of the United States.

43. Jurisdiction is conferred on this Honorable Court pursuant to Title 28 U.S.C.A. § 1331 and 1343. This Court has supplemental jurisdiction over the State law claim pursuant to Title 28 U.S.C.A. § 1367(a).
44. Plaintiffs' claims for declaratory and injunctive relief are authorized by Title 28 U.S.C.A. § 2201 and § 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, by *Ex parte Young*, 209 U.S. 123 (1908), and by the general legal and equitable powers of this Court.
45. Plaintiffs' claim request an award of their reasonable costs of litigation, including attorneys' fees and expenses, as authorized by Title 42 U.S.C.A § 1988 and other applicable law.
46. This Honorable Court has supplemental jurisdiction regarding the remaining State claims pursuant to Title 28 U.S.C.A. § 1367, because the State claims arise out of the same nexus of facts and events.
47. Venue is proper under Title 28 U.S.C.A. § 1391(b) because the Office of the Governor of the State of Michigan, the Attorney General, the Michigan Department Health and Human Service, and Michigan Department of State Police are located in this judicial district of the United States District Court, Western District of Michigan wherein all Respondents and Plaintiffs are residents of the State of Michigan.

FEDERAL QUESTION

48. Did the Governor Gretchen Whitmer have constitutional standing to invoke Rule by Executive Decree on March 10, 2020 by Declaring a State of Emergency under the color of Public Act 302 of 1945, and Public Act 1976?
- The Plaintiffs say, **NO**.
- The Respondents say, **YES**.
49. Therefore, the Plaintiffs' are entitled to injunctive relief against Respondents, to enjoin the Respondents from enforcing un-constitutional actions against Plaintiffs.

50. Did the Governor Gretchen Whitmer have constitutional standing to issue executive orders as if they had the force and effect of written legislative law to effectuate the Police Powers of the State?

The Plaintiffs say, **NO**.

The Respondents say, **YES**.

51. Therefore, the Plaintiffs' are entitled to injunctive relief against Respondents, to enjoin the Respondents from enforcing un-constitutional actions against Plaintiffs.

52. Did the Governor Gretchen Whitmer have constitutional standing to declare use of the Public Act 302 of 1945, and Public Act 390 of 1976 under the appearance of an emergency to inversely condemn the Private Real and Personal Property rights of the Plaintiffs?

The Plaintiffs Say, **NO**.

The Respondents say, **YES**.

53. Therefore, the Plaintiffs' are entitled to injunctive relief against Respondents, to enjoin the Respondents from enforcing un-constitutional actions against Plaintiffs.

54. Did the Governor Gretchen Whitmer moving under the color of the Emergency Management Act, and the Governor Emergency Powers Act have constitutional standing to overthrow Michigan's Tricameral Republican Form of Government?

The Plaintiffs say, **NO**.

The Respondents say, **YES**.

55. Therefore, the Plaintiffs' are entitled to injunctive relief against Respondents, to enjoin the Respondents from enforcing un-constitutional actions against Plaintiffs.

PARTIES

56. Plaintiff's Kenneth A. Thompson, Darlene Dowling Thompson, Mark L De Young, Fredrick D. Gulick, Sr., Ann E. Gulick, Robert L. Jeffords, Kenneth R. Spiegel, Shawn M. Jackson,

David Isaac, Julie Isaac, Jeffrey S. Pritchard, Happy Lawn, DBA, Linda F. Jackson, Melvin L. Johns, Thomas Earl Dunn, Linda L. Dunn, Krystyna Johns, Charise Spink, DBA His and Her Storage, Roger E. Raycraft Jr., Elizabeth L. Raycraft, Gayle L. Gutchak, Rory C. Gutchak, William E. Norris, Ivan Morse, Pastor Paul C. Leslie, Deanna K. Leslie, Dr. Linda Lee Tarver, Tarver Consulting, Tracy Bolle, The Evening Post, LLC, HAPPY LAW, Jeffrey S. Pritchard, Steve A. McIntosh, Eloise A. McIntosh, Rodney D. Fater, Vicky L. Fater, Rex S. Cooper, Vickie L. Cooper, David A. Arndt, Doris S. Arndt, Jack L. Elliott, Timothy R. Walters, Colton R. Walters, William Scott, are adult citizens of the United States of America and are all domiciled within the exterior boundaries of the State of Michigan. Who stand in their capacity as Michiganders, whom are conducting business.

57. Some Plaintiffs are residents within the United State District Court Eastern Division of Michigan, inclusive of the Southern and Northern Districts.
58. Respondent Gretchen Whitmer is the Governor of the State of Michigan.
59. Under the Color of State Law, Respondent Governor Gretchen Whitmer Declared “A state of emergency is declared across the State of Michigan on March 10, 2020.”
60. Respondent Governor Gretchen Whitmer is being sued in her official capacity only.
61. Respondent Garlin Gilchrist II, Lt. Governor, of the State of Michigan who as a Legislative Officer, is the President of the State Senate.
62. Under the Color of State Law, Respondent Garlin Gilchrest II has conspired with Gretchen Whitmer, Robert Gordon, Dr. Joneigh S. Khaldun, Dana Nessel and Joseph Gasper who have singularly and collectively failed to defend Plaintiffs Unalienable Rights to Life, Liberty and Property where in said failures are a Breach of the Public Trust in violation to their Constitutional Oaths of Office.
63. Respondent Garlin Gilchrest II is being sued in his official capacity as Lt. Governor only.

64. Respondent Dana Nessel is the Attorney General of the State of Michigan.
65. Under the Color of State Law, Respondent Dana Nessel has conspired with Gretchen Whitmer, Robert Gordon, Dr. Joneigh S. Khaldun, Garlin Gilchrest II and Joseph Gasper who have singularly and collectively failed to defend Plaintiffs Unalienable Rights to Life, Liberty and Property where in said failures are a Breach of the Public Trust in violation to their Constitutional Oaths of Office.
66. Respondent Dana Nessel is being sued in her official capacity as Attorney General only.
67. Respondent Dr. Joneigh S. Khaldun is the Chief Medical Executive and Chief Deputy Director for Health for the State of Michigan.
68. Under the Color of State Law, Respondent Dr. Joneigh S. Khaldun has conspired with Gretchen Whitmer, Robert Gordon, Garlin Gilchrest II, Dana Nessel and Joseph Gasper who have singularly and collectively failed to defend Plaintiffs Unalienable Rights to Life, Liberty and Property where in said failures, are a Breach of the Public Trust in violation to their Constitutional Oaths of Office.
69. Respondent Dr. Joneigh S. Khaldun is being sued in her official capacity only.
70. Respondent Robert Gordon is the Director of the Department of Health and Human Services for the State of Michigan.
71. Under the Color of State Law, Respondent Robert Gordon has conspired with Gretchen Whitmer, Dana Nessel, Garlin Gilchrest II, Dr. Joneigh S. Khaldun and Joseph Gasper who have singularly and collectively failed to defend Plaintiffs Unalienable Rights to Life, Liberty and Property where in said failures are a Breach of the Public Trust in violation to their Constitutional Oaths of Office.
72. Respondent Robert Gordon is being sued in his official capacity only.
73. Respondent Joseph Gasper is the Director of the Michigan State Police (MSP).

74. Under the Color of State Law, Respondent Joseph Gasper has conspired with Gretchen Whitmer, Dana Nessel, Garlin Gilchrest II, Dr. Joneigh S. Khaldun and Robert Gordon who have singularly and collectively failed to defend Plaintiffs Unalienable Rights to Life, Liberty and Property where in said failures are a Breach of the Public Trust in violation to their Constitutional Oaths of Office.
75. Respondent Joseph Gasper is being sued in his official capacity only.

STATEMENT OF FACTS

76. Plaintiffs hereby incorporate by reference all stated paragraphs.
77. On March 10th, 2020 Respondent Governor Gretchen Whitmer stated “A state of emergency is declared across the State of Michigan”⁴.
78. On April 1, 2020, Governor Gretchen Whitmer declared “A state of emergency and a state of disaster are both declared across the State of Michigan.”, which essentially was the official date that the Governor of Michigan Gretchen Whitmer initiated the first stages of a Gubernatorial Insurrection to subordinate the Supreme Law of the Land, in a preplanned effort to overthrow the Republican Form of Government here within the exterior boundaries of Michigan by decree.
79. On April 30 2020, on or about 7:30 Pm Governor Gretchen Whitmer breached the Public Trust by constructively overthrowing Michigan’s Republican Form of Government by declaring by executive decree: “A state of emergency remains declared across the State of Michigan under the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as

4. Governor Gretchen Whitmer’s Executive Order 2020-4

amended, MCL 10.31 et seq.”⁵, in which the Governor stipulated that Gubernatorial authority⁶ was the supreme law of the land within the exterior boundaries of Michigan.

80. Respondents Gretchen Whitmer and Robert Gordon’s “willful violation” of Article IV § 1 of the Michigan State Constitution of 1963 “Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a **senate and a house of representatives**”. Emphasis added.

81. Governor Gretchen Whitmer has no constitutional authority to write laws of general application. The only “law” the governor may compose is in conformity to Article V § 2 of the Michigan Constitution of 1969 for the reorganization of the Principle Departments of State Government.

82. Furthermore Robert Gordon has no constitutional authority to write laws of general application.

83. The “law” that Robert Gordon is to stand within is the Supreme Law of the land, which he swore to Uphold upon swearing his Constitutional Oath of Office to uphold the United States and Michigan Constitutions and the Rule of Law, all which he knowingly usurped when in his official capacity issued an executive or administrative decree that a violation of the Governor’s unconstitutional executive orders will be a fine of **\$1,000.00** which is issued as a criminal misdemeanor.

84. Governor Gretchen Whitmer’s Original Declaration moving under Public Act 390 of 1976 conjoined with Public Act 302 of 1945 was and is an unconstitutional action that exposes the

5. Governor Gretchen Whitmer’s Executive Order 2020-67(1): A state of emergency remains declared across the State of Michigan under the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

6. Governor Gretchen Whitmer’s Executive Order 2020-67(3): I will evaluate the continuing need for this order prior to its expiration.

Executive Order issued on March 10, 2020, followed by 73 more such executive decrees as voids in law.

85. Governor Gretchen Whitmer moved these executive decrees as if they were legislatively enacted laws of Michigan, where within the four corners of these executive issuances, the Governor breaches the Public Trust by arbitrarily and capriciously declaring Michiganders may be administratively declared Essential, or less equal in law, as Non Essential⁷.
86. Moreover the Michigan State Constitution of 1969 Article I § 2 and the Constitution of the United States, the 14th Amendment, substantiates all Michiganders stand equal in law.
87. The Pattern of constitutional wrongs by Governor Whitmer, Gilchrist II, Gordon, Nessel Khaldun and Gasper here and articulated administratively by Executive Decree on March 10, 2020 and continuing without end during the pendency of this Gubernatorial Insurrection to the Supreme Law of the Land, stipulates there are Non-Essential v Essential men and women in the labor pool.
88. In short the Constitutional wrongs of all these Executive Branch “Legislative” issuances under Executive Decree are wrapped within the original executive order 2020-4 issued on March 10, 2020.
89. The following 74 orders issued by the hand of the Chief Executive Officer of Michigan Governor Whitmer are frauds in law causing undue harm to the Plaintiffs and Citizens of this State.
90. Governor Gretchen Whitmer’s Executive Declaration issued on March 10, 2020 proclaiming “A state of emergency is declared across the State of Michigan”⁸ put in place draconian measures

7. Governor Gretchen Whitmer’s Executive Order 2020-19

8. Governor Gretchen Whitmer’s Executive Order 2020-4 (1): A state of emergency is declared across the State of Michigan.

that arbitrarily and unreasonably impose unlawful restrictions that are then criminally sanctioned on Plaintiffs' who Constitutionally stand their fundamental rights and liberties as Michigan and United State Citizens.

91. Governor Gretchen Whitmer lacks Constitutional authority to rule by executive decree for said 74 executive memorandums issued during the pendency of this executively declared states of emergency across the State of Michigan are unconstitutional actions in law, for Public Act 390 of 1976 § (3)(2) colorfully stipulates that “ ***The governor may issue executive orders, proclamations, and directives having the force and effect of law to implement .***”
92. Public Act 390 of 1976 ***is by legal construction*** conjoined with Public Act 302 of 1945 which substantiates that the implementation of these two inseparable Public Act's authority by Executive Order on March 10 2020, stands all 74 executively issued orders implemented as written legislative law are VOID, for neither the 63rd Legislature, nor the 78th Legislature had constitutional standing to delegate legislative authority, thus all executive decrees are void.
93. The challenged measures of Governor Whitmer's' Executive Order 2020-4, as set forth in this Complaint, lacks any rational basis in law, are arbitrary, capricious, and vague, having no real or substantial relation to the objectives of the order, and fail to address §3(2) of Public Act 390 of 1976, which stands in “**Pari Materia**” regarding Public Act 302 of 1945⁹ and are beyond all question, are an unconstitutional, plain, and palpable invasion of the Fundamental

9. “Statutes in pari materia are those which relate to the same person or thing, or the same class of persons or things, or which have a common purpose. It is the rule that in construction of a particular statute, or in the interpretation of its provisions, all statutes relating to the same subject, or having the same general purpose, should be read in connection with it, as together constituting one law, although enacted at different times, and containing no reference one to the other. [Detroit v. Michigan Bell, 374 Mich. 543, 558, 132 N.W.2d 660 (1965) (citations omitted).]” State Treasurer v. Schuster, 456 Mich. 408, 417 (1998)

Rights and Liberties secured by the Constitution of the United States for the United States of America.

94. It is the duty of this Court to so adjudge, and thereby give effect to the Constitution of the United States and Michigan Constitutions of 1963 by declaring these Gubernatorial measures executed on March 10, 2020, which are still pending, following the unilateral Decree issued by Governor Gretchen Whitmer on April 30, 2020 at 7:30 pm, as unlawful and unconstitutional rule by Gubernatorial Decree and overreach.
95. That all Respondents, standing in their individual capacity as elected and or appointed members of Michigan's Public Trust have breached the Public Trust by having knowingly, intentionally, and willingly violated their Constitutional Oath of Office and thereby be enjoined with all Michigan State public Actors sitting in the Michigan State Public Trust from enforcing these patently unconstitutional executive decrees issued by Governor Gretchen Whitmer since March 10, 2020.

FIRST CLAIM FOR RELIEF

9th Amendment, Title 42 USCA § 1983

96. Plaintiffs hereby incorporate by reference all stated paragraphs.
97. There stands a present and continuing controversy between the Parties.
98. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of State law, Respondents, individually and collectively have **Arbitrarily and Capriciously** deprived Plaintiffs of their God Give Liberties, which are their Fundamental rights including but not limited to, Free Association, the Right to Travel, the Right to pursue their Private Vocations, and the substantive right to Commerce between private parties by contract.
99. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs Fundamental

Rights as Guaranteed by the 9th Amendment, and thereby hold all Respondents individually accountable for their individual and collective Breach of the Public Trust.

100. Plaintiffs request this court to use its equitable powers to find all Respondents personally liable for money damages in excess of \$250,000.00 for violation of their oaths of office.

SECOND CLAIM FOR RELIEF

First Amendment-Right of Association, Title 42 USCA § 1983

101. Plaintiffs hereby incorporate by reference all stated paragraphs.
102. There stands a present and continuing controversy between the Parties.
103. The freedom to engage in free association for the advancement of beliefs and ideas is an inseparable aspect of the Fundamental Rights to Liberty.
104. Indeed, implicit in the right to engage in activities protected by the First Amendment it is a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.
105. As a direct and proximate result of Respondents violation of the First Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of his fundamental constitutional rights of Life, Liberty and Property entitling Plaintiffs to declaratory and injunctive relief as well as money damages as well as attorney fees and all other appropriate relief to vindicate the violation of their Fourteenth Amendment right not to be subject to punishment by a vague statute.
106. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of State law, Respondents have deprived Plaintiffs of their right to due process in violation of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

107. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs

Fourteenth Amendment Rights, and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.

108. Plaintiffs request this court to use its equitable powers to find all Respondents personally liable for money damages in excess of \$250,000.00 for violation of their oaths of office under the color of law.

THIRD CLAIM FOR RELIEF

Fourth Amendment Unwarranted House Arrest Title 42 USCA § 1983

109. Plaintiffs hereby incorporate by reference all stated paragraphs.

110. There stands a present and continuing controversy between the Parties.

111. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of State law since March 10, 2020, Respondents have individually and collectively deprived Plaintiffs their Constitutionally guarantee to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.

112. That Governor Gretchen Whitmer directed Robert Gordon the Director of the Department of Health and Human Service to issue a written directive to have the force of law, that anyone Plaintiff who may step outside the front doors of their Private Home were to be subjugated to administrative detainment as a misdemeanor violation of the Governor's Executive Rule defined as a "Stay at Home Order".

113. As a direct and proximate result of Respondents' violation of the Fourth Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights unwarranted seizure of their person, and homes under

penalty of administrative detainment if any Plaintiffs, or Michiganders choose to step out their Fronts doors to see the Sunrise.

114. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs fourth Amendment Rights, and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.

115. Plaintiffs request this court to use its equitable powers to find all Respondents personally liable for money damages in excess of \$250,000.00 for violation of their oaths of office and other volitions of the United State Constitution under the color of law.

FOURTH CLAIM FOR RELIEF

Due Process, Title 42 USCA § 1982, and § 1983

116. Plaintiffs hereby incorporate by reference all stated paragraphs.

117. There stands a present and continuing controversy between the Parties

118. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of State law, Respondents have individually and collectively deprived Plaintiffs of their right to property by moving **Arbitrarily and Capriciously** under the Police Power of the State to take, seize without appropriate compensation the real and personal property of the Plaintiffs businesses by forcing closure of those businesses deemed "non-essential."

119. That Governor Gretchen Whitmer standing as the Chief Executive Officer appending an official appellation to Executive Decrees moved under the color of the Emergency Management Act and Governor Emergency Power Act used the Police Powers of the State to unconstitutionally deprive the Plaintiffs the use of their real and tangible personal property for travel, and or occupancy across the width and breadth of Michigan.

120. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs Rights to the due process of law, and grant compensation for public takings of real and tangible property rights and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.
121. Plaintiffs request this court to use its equitable powers to find Respondents personally all liable for money damages in excess of \$250,000.00 for violation of their oaths of office and due process under the color of law.

FIFTH CLAIM FOR RELIEF

Fourteenth Amendment Equal Protection- Title 42 USCA § 1981, § 1983

122. Plaintiffs hereby incorporate by reference all stated paragraphs.
123. There stands a present and continuing controversy between the Parties.
124. The Fourteenth Amendment provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law."
125. Plaintiffs have a right to travel and provide their businesses services, and to do so without being treated unequally by the government. The Due Process Clause of the Fourteenth Amendment protects the Plaintiffs Constitutional guarantee of equal rights in law.
126. The Respondents individually and collectively have Arbitrarily and Capriciously unequally classified Plaintiffs as either non-essential and or essential under the will and whim of the Chief Executive Officer's official appellation appended to an unending series of Executive Decrees issued continuously since March 10, 2020.
127. As a direct and proximate result of Respondents' violation of the Fourteenth Amendment as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, to the equal protection to the law, entitling them to declaratory, injunctive relief and money damages as well as attorney fees and all other

appropriate relief to vindicate the violation of their Fourteenth Amendment right not to be subject to punishment by vague directives issued under the Arbitrary and Capricious whims of the chief Executive Officer of the State of Michigan.

128. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs Rights to equal standing in law, and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.

129. Plaintiffs request this court to use its equitable powers to find Respondents personally all liable for money damages in excess of \$250,000.00 for violation of their oaths of office and under the color of law.

SIXTH CLAIM FOR RELIEF

Right to contract - Title 42 USCA § 1982 and § 1983

130. Plaintiffs hereby incorporate by reference all stated paragraphs.

131. There stands a present and continuing controversy between the Parties.

132. All of the acts of the Respondents, their officers, agents, servants, and employees, as alleged herein, were conducted under color and pretense of the statutes, ordinances, regulations, customs, or usages by the State of Michigan.

133. The Contracts Clause of Article I, Section 10 states, "No State shall ... pass any . . . Law impairing the Obligation of Contracts."

134. It long has been established that the Contracts Clause limits the power of the States to regulate contracts between private parties; As set forth in this Complaint, the measure moved by Governor Gretchen Whitmer since the Declaration of the State of Emergency Across the State of Michigan on March 10, 2020, has moved executive measures that have intentionally impaired and thus regulated the contracts between Plaintiffs and their clients, in violation of the Contracts Clause of the United States Constitution.

135. As a direct and proximate result of Respondents' violation of the Contracts Clause as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional right to contract without the State's Public Actors executive breaches of said constitutional rights.

136. Plaintiffs request this Court to use its equitable powers to reinstate the Plaintiffs Rights to Contract and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.

137. Plaintiffs request this court to use its equitable powers to find Respondents personally all liable for money damages in excess of \$250,000.00 for violation of their oaths of office and under the color of law entitling them to declaratory, injunctive relief and money damages as well as attorney fees and all other appropriate relief to vindicate the violation of their right to contract

SEVENTH CLAIM FOR RELIEF

VIOLATION OF OATH OF OFFICES

Article IV Republican Governance - Breach of Trust –

Title 42 USCA § 1983, § 1985, and § 1986

138. Plaintiffs hereby incorporate by reference all stated paragraphs.

139. There stands a present and continuing controversy between the Parties.

140. That Governor Gretchen Whitmer knowingly violated the Governor's Constitutional Oath of Office on March 10, 2020, when said Public Actor moved to govern Michigan directly and exclusively by Executive Decree.

141. The Governor moving under a Declared States of Emergency across Michigan on March 10, 2020 immediately issued a series of Executive Orders which were declared, without legislative passage, as the written law(s) of Michigan.

142. This unconstitutional unwarranted Executive action executed by the Chief Executive Officer of Michigan was the first stage of what is best described as a Gubernatorial Insurrection to the Supreme Law of the Land.
143. The final plank to overthrowing Michigan's Republican Form of Governance was put in place at 7:30 PM on April 30th, 2020, moving exclusively under Public Act 302 of 1945, with reference to the Michigan State Constitution of 1963, Governor Gretchen Whitmer again Arbitrarily and Capriciously declared the Governor's Executive office, to henceforth by Gubernatorial Will and whim, the supreme law of Michigan which directly subordinated the Tricameral Republican form of Governance to curbs of Political despair here in the lands of the Wolverine.
144. That Governor Whitmer, with the aide and support of the aforementioned Public Actors in Michigan have intentionally stepped out of their offices in the Public Trust to establish a defacto Rule by Executive Decree in direct violation to the Supreme Law of the land.
145. Plaintiffs request this Court to use its equitable powers reinstate Michigan's Republican Form of Governance, and thereby hold all Respondents accountable for their individual and collective Breach of the Public Trust.
146. Plaintiffs request this court to use its equitable powers to find Respondents personally all liable for money damages in excess of \$250,000.00 for violation of their oaths of office thus entitling them to declaratory, injunctive relief and money damages as well as attorney fees and all other appropriate relief to vindicate the violation of their willful and wanton breach of their individual Oath of Office to Protect the Citizens of this state.

Eighth CLAIM FOR RELIEF

CONSPIRACY RICO ACT 18 U.S.C. 1961-1968.

147. Plaintiffs restate and incorporate by reference the allegations in the preceding paragraphs as though fully set forth in this complaint.
148. There stands a present and continuing controversy between the Parties.
149. The Unlawful actions moved by State, Public Actors to deny the constitutionally constituted due process of Law by Officers of the Public Trust, Publicly acting in conspiratorial concert under the color of Public Law to unconstitutionally and unlawfully suppresses under the color of law, the Plaintiffs God Given Unalienable Rights to Life, Liberty and Property.
150. The Unlawful actions moved by Public Actors of the State of Michigan moving in conspiratorial concert with State Public Actors Respondents have **Exacted** the substantive rights of the Plaintiffs under the color of Michigan State Public Acts by overtly violating the Michigan State Constitution of 1963 authorities for the regulation of association, contract, private travel and due process and oath. Respondents may not claim immunity.
151. Respondents by violating Plaintiffs constitutional rights secured by The Constitution of the United States of America, Ninth Amendment and the Michigan State Constitution of 1963 Article I sec 23 and denying Plaintiffs right to due process of law.
152. Plaintiffs were deprived by unlawful detention House Arrest of both liberty and time without due process of law and Plaintiffs rights to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983.
153. Governor Gretchen Whitmer conspired to breach the public trust by moving a “racket” that is prohibited by the Racketeer influenced and Corruption Organizations Act (RICO) Title 18 U.S.C.A. § 1961 et seq. [1970] in order to secure Federal Funds issued under the The **Disaster Relief Act of 1974** (Public Law 93-288).
154. Plaintiffs are entitled to damages pursuant to the RICO act Title 18 U.S.C. A.1961-1968.

155. Respondents Governor Gretchen Whitmer, and others within the Public Trust, who conspired to Breach the Pubic Trust by knowingly violating the Supreme Law of the Land, wherein said acts, activities, and actions sit in total violation to their Public Oath of Office.
156. All of the Acts of the elected and appointed Officers of the Public Trust, their officers, agents, servants, and employees, as alleged herein, were conducted under the color and pretense of the statutes, ordinances, regulations, customs, or usages, by the Public Officers situated within the employ of the State of Michigan.
157. The overt conspiratorial denial of the Due Processes of Michigan State Law by all Respondents' whether appointed or elected public actors of the Public Trust, Respondents' who knowingly used public monies, and resources to wrongfully target the Plaintiffs, in their corrupted design to constructively **deceive and deprive** Plaintiff's God Given Unalienable Rights, under the color of the State Constitution and Public Laws being Public Act 302 of 1945, Public Act 390 of 1976.
158. Plaintiffs reserve the Right to amend the names of any of the people who committed these acts who are at this time, unknown but when known, Plaintiffs will amend as necessary to address the ongoing pattern of tortuous civil conduct of all Officers sitting in the Public Trust, acting in such capacity are liable for damages which will be accurately described.
159. Plaintiffs request this court to use its equitable powers to find Respondents personally all liable for damages in excess of \$250,000.00 under the color of law and violation of their oaths of office as well as attorney fees and all other appropriate relief to vindicate the violation of their Fourteenth Amendment right not to be subject to punishment by a vague statute.

SUMMARY

160. On March 10, 2020, Michigan State Governor Gretchen Whitmer issued Executive Order 2020-4 invoking Public Act 302 of 1945, and Public Act 390 of 1976 thereby declaring “A state of emergency is declared across the State of Michigan.”
161. The Executive Order issued on March 10 2020 was the base line utilized by Governor Gretchen Whitmer as a never ending series of Executive Orders from where the Gubernatorial Office amended statutory laws to advance a colorful public policy which led to the direct regulation of Private Business by utilizing the administrative and police power of the Governor’s office.
162. The Gubernatorial executive order(s) unconstitutionally classified Private Businesses by imposing an arbitrary and capricious administrative classification of Essential, and or Non-Essential wherein only administratively declared Essential Private Business, were allowed to open their doors to commerce.
163. The Gubernatorial Executive Order(s) went to the extreme of violating the First Amendment of the Constitution of the United States for the United States of America by decreeing no Michigan State Citizen SHALL freely associate with others.
164. The Gubernatorial Executive Order(s) decreed all Michiganders SHALL immediately be put under Unwarranted House Arrest in direct violation to the 4th and 5th Amendment to the Constitution of the United States for the United States of America.
165. The Gubernatorial Executive Order(s) denied all Michiganders the “Right to Travel¹⁰” in directed violation to the 14th Amendment of the Constitution of the United States for the United States of America.

10. Saenz v. Roe, 526 U.S. 489, 502 (1999)

166. The Governor authorized the Michigan Department of Licensing and Regulatory Affairs and or the Department of Public Health and Human Services to close any and all Private Businesses classified as non-essential if they refused to follow the Gubernatorial Directive that classified said private business concerns as Non-Essential a taking without compensation.
167. The Michigan State Governor has intentionally breached the right to **contract** in deliberated violation to the United States Constitution of the United States of America Article I § 10 the obligations and rights thereto of Contract.
168. Michigan State Governor Gretchen Whitmer Declared by Executive Decree on March 10, 2020, that the gubernatorial declaration for a State of Emergency across Michigan was moved in compliance to the Michigan State Constitution of 1963 in compliance to Public Act 390 which by legal necessity is conjoined with Public Act 302 of 1945.
169. The Michigan State Constitution of 1963 vests the legislative power of the State of Michigan in a State Senate and a State House of Representatives¹¹.
170. The Michigan State Constitution of 1963 authorizes the Legislature to address Public Health and general welfare by passing suitable laws in Article IV § 51¹².
171. The Governor is the Chief Executive¹³ Officer of the State.

11. Michigan State Constitution of 1963 Article IV § 1: Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

12. Michigan State Constitution of 1963 Article IV § 51: The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health

13. Michigan State Constitution of 1963 Article V § 1: Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

172. The Governor is **not** a legislative¹⁴ officer of the State of Michigan.
173. The 9th Amendment of the Constitution of the United States for the United States of America States clearly: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
174. The Michigan State Constitution of 1963 vests all political power in the hands of the People¹⁵.
175. The Michigan State Governor shall not suborn Michiganders substantive Rights to Life, Liberty and Property under the color of law.
176. The 1st Amendment to the Constitution of the United States for the United States of America assures all Americans State Citizens their Substantive Rights to freely associate amongst their fellow citizens.
177. The **4th Amendment** to the Constitution of the United States for the United States of America assures American State Citizens shall NOT be detained without judicial warrant.
178. The **5th Amendment** to the Constitution of the United States for the United States of America assures American State Citizens the substantive rights to the due processes of law and that no rights to property shall be taken without just compensation.

14. Michigan State Constitution of 1963 Article III § 2: The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

15. Michigan State Constitution of 1963 Article 1 § 1: All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

179. The Constitution of the United States for the United States of America **14th Amendment** states no State shall abridge the rights¹⁶ of Citizens to the due process of law, nor deny anyone Michigander the equal protection of the laws.
180. Public Act 302 of 1945 unconstitutionally grants the Governor plenary authority to use the **Police Power** of the State to Arbitrary and Capriciously suborn Michigan State Citizens equal protection to the law inclusive of the denial to the due processes of law.
181. Public Act 390 of 1976 unconstitutionally grants the Governor legislative authority in direct violation to the Michigan State Constitution of 1963 whereby executive decree, the Chief Executive Officer of Michigan may rule by dictatorial will and whim.
182. As of the filing of this Complaint Michigan State Citizens suffer the insufferable executive actions moved by their elected Governor Gretchen Whitmer who claims as of April 30, 2020, that Public Act 302 of 1945 authorizes the Chief Executive Officer of Michigan to unconstitutionally breach the constitutionally constituted tricameral protections of separated powers of government, which violates the Congressional guarantee that Michiganders shall be constitutionally assured a Republican Governance as stated in **Article IV** in the Constitution of the United States for the United States of America.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

16. The Constitution of the United States for the United States of America, 14th Amendment § 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- a) Order “a speedy hearing” of this action and "advance it on the calendar" under Federal Rule of Civil Procedure, Rule 57.
- b) The Court should therefore declare that the Governor's ongoing COVID-19 executive orders, as well as the EPGA to the extent it authorizes those orders, along with EPA are unconstitutional.
- c) The Court should also therefore declare that the State Senate and the State House of Representatives legislative leadership are co-conspirators by knowingly, intentionally failing to address their Constitutional duty to address the Article IV § 4 solution to thereby hold the Chief Executive Officer of Michigan accountable for the Gubernatorial Insurrection that that constructively overthrew Michigan’s Republican Form of Government on or about 7:30 p.m. on April 30, 2020.
- d) To judicially Notice Governor Gretchen Whitmer to be held accountable for conspiring with all Respondents, who are in fact co-conspirators, IN THEIR WILLFUL TREASONOUS ATTEMPT TO OVERTHROW Michigan’s Republican Form of Government.
- e) To declare that Respondents violated Plaintiffs' fundamental and Foundational Substantive Rights to Liberty as set forth in this Complaint above;
- f) Grant immediately an emergency, preliminary injunction that authorizes Plaintiffs to provide services in accord with appropriate social distancing;
- g) After the claims are fully adjudicated, declare the above-referenced statutory enactment of the 63rd Legislature, Public Act 302 of 1945, and the 78th Legislature’s enactment, Public Act 390 of 1976 unconstitutional laws.

- h) After the claims are fully adjudicated, declare the above-referenced Public Act 302 of 1945, and Public Act 390 of 1976 are unconstitutional enactments of no force and effect which substantiate said public acts are null and void.
- i) Furthermore as said public act are declared null and void all ministerial actions by the executive departments answerable to the governor Gretchen Whitmer are hereby declared to be wrongful acts moved in direct contravention to the Constitution of the United States and Constitution of Michigan, award Plaintiffs appropriate compensation.
- j) Enter an award of ascertainable money damages in an amount to be determined at a jury trial; Pursuant to 42 U.S.C. § 1988, enter an award of reasonable attorney fees and costs in favor of Plaintiffs; and
- k) FURTHER, Plaintiffs' demands judgment for the violation of their civil rights against all the Respondents, jointly and severally, for actual, general, special, compensatory damages in an amount exceeding **\$7,500,000.00** and;
- l) FURTHERMORE Plaintiffs demand judgment against all defendants, jointly and severally, for punitive damages in an amount to be determined by the jury, plus the costs of this action, including attorney's fees, and such other relief deemed to be just, fair, and appropriate.
- m) Order relief to all Plaintiffs from all Respondents/Defendants.
- n) Order, if Respondents move to dismiss this suit, Plaintiff Demands that it be heard by the jury demanded, and only be dismissed if the Jury considers it lacks merit.

Dated: May 15, 2020

Respectfully Submitted,

/s/ David J. Gilbert

David J. Gilbert, (P56956)
306 E. Broadway Street, Ste. #3
Mt. Pleasant, MI 48858
989.749.8505
djgilbertlaw@gmail.com